IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 15541 of 2007(A)

PETITIONER:

1. GIRISH KUMAR, AGED 28 YEARS
   S/O.GOVINDAKUTTY, PATHALIL HOUSE
   POOTHAKUZHI.P.O.,
   PAMPADI, KOTTAYAM DISTRICT

2. ANANDAVALLI, W/O. PONNAPPAN
   PARAYIL HOUSE, MUNDIYAPPALLY P.O.
   KAVIYOOR VILLAGE, THIRUVALLA,
   PATHANAMTHITTA DISTRICT

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

1. THE EXCISE COMMISSIONER
   COMMISSIONERATE OF EXCISE,
   THIRUVANANTHAPAURAM

2. THE ASST.EXCISE COMMISSIONER
   PATHANAMTHITTA

3. THE CIRCLE INSPECTOR OF EXCISE
   MALLAPPALLY, PATHANAMTHITTA DISTRICT

4. THE EXCISE INSPECTOR
   EXCISE RANGE OFFICE,
   MALLAPPALY, PATHANAMTHITTA DISTRICT

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15541 of 2007

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Dated this the 1st day of June, 2007

J U D G M E N T

The petitioners are licensees of several toddy shops. In respect of one of the shops, the 2nd respondent has, after conducting an inspection, registered a crime in respect of selling toddy mixed with arrack. On that ground, Ext.P1 order has been issued to the petitioners directing them to stop selling of toddy in all toddy shops, in which the petitioners are licensees, and directed them to show cause why their licences should not be cancelled under Section 26(b) of the Abkari Act. The petitioners seek the following reliefs:

> "i. call for the records leading to Ext.P1 and quash the same by issuing a writ of certiorari or other writ, order or direction;
>
> ii) issue a writ of mandamus or other appropriate writ, order or direction commanding the 1st respondent to finalise the proceedings initiated as per Ext.P1 within a stipulated time after revoking the order to stop the sale;"

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader.

3. After hearing, the petitioners confine their prayer for a direction to pass final orders on Ext.P1 expeditiously and also to consider Ext.P2 petition filed by the petitioners for interim orders for stay of stoppage of sale of toddy.

4. Having heard both sides, I direct the 1st respondent to pass final orders on Ext.P1 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. The 1st respondent shall also consider Ext.P2 in respect of the interim relief for stay of stoppage of sale of toddy by the petitioners, as expeditiously as possible, within two weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.